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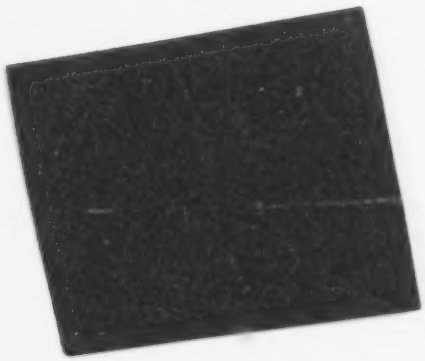
IMPLEMENTATION OF RESOLUTIONS OF THE GENERAL ASSEMBLY ON INTERNATIONAL DRUG CONTROL

Report of the Secretariat

Summary

Between 1990 and 1995, the General Assembly adopted 21 resolutions relating to international drug control. The present report examines action taken by Member States and the United Nations International Drug Control Programme to implement those resolutions. It is brought to the attention of the Commission for information.



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INTRODUCTION

1. At its thirty-ninth session, the Commission on Narcotic Drugs decided to include in its agenda for the fortieth session, an item on the implementation of General Assembly resolutions and requested the Secretariat to prepare a report on the issue. The present report responds to that request. The report examines action taken to implement General Assembly resolutions that were adopted from 1990 to 1995. During that period, the General Assembly adopted the following 21 resolutions on international drug control issues: resolution S-17/2 of 23 February 1990; resolutions 45/146, 45/147, 45/148 and 45/149 of 18 December 1990 and 45/179 of 21 December 1990; resolutions 46/101, 46/102, 46/103, 46/104 of 16 December 1991 and 46/185 C of 20 December 1991; resolutions 47/97, 47/98, 47/99, 47/100, 47/101 and 47/102 of 16 December 1992; resolutions 48/12 of 28 October 1993 and 48/112 of 20 December 1993; resolution 49/168 of 23 December 1994; and resolution 50/148 of 20 December 1995.

I. ADHERENCE TO AND IMPLEMENTATION OF THE INTERNATIONAL DRUG CONTROL TREATIES, IN PARTICULAR THE UNITED NATIONS CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES OF 1988, AND REVIEW OF THEIR EFFECTIVENESS

2. The General Assembly has adopted several resolutions (including resolutions 45/146, 47/97, 49/168 and 50/148) that call for full adherence to and implementation of the international drug control treaties, in particular the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.[1] The response of States to that call may be considered satisfactory in so far as the number of ratifications and accessions registered over the past years has steadily increased. This is particularly true of the 1988 Convention, which only entered into force in November 1990. As at 31 December 1996, 158 States were parties to the Single Convention on Narcotic Drugs of 1961[2] or to that Convention as amended by the 1972 Protocol,[3] 146 States were parties to the Convention on Psychotropic Substances of 1971,[4] and 138 States were parties to the 1988 Convention. However, despite extensive legislative activity to implement the provisions of the international drug control treaties by both parties and non-parties, universal implementation of their provisions has yet to be achieved. The General Assembly monitors the adherence to and implementation of the international drug treaties through the annual report of the Secretary-General on the implementation of the Global Programme of Action, adopted at its seventeenth special session,[5] and through a special report of the Secretary-General on the implementation of the 1988 Convention, which is prepared in even years.

3. The General Assembly has also initiated an evaluation of the effectiveness of the international drug control treaties. At its high-level plenary meetings held in 1993, the Assembly adopted resolution 48/12 of 28 October 1993 on measures to strengthen international cooperation in drug abuse control. In that resolution, the Assembly requested the Commission, with the support of the United Nations International Drug Control Programme (UNDCP) and in cooperation with the International Narcotics Control Board, to monitor and evaluate action taken to implement the international drug control treaties, with a view to identifying areas of satisfactory progress and weakness. The Assembly also requested the Commission and the Economic and Social Council to consider and make recommendations on several drug control issues.

4. At its thirty-seventh session in 1994, the Commission formulated the methodology it wished to follow in implementing resolution 48/12, and requested the Executive Director of UNDCP to examine the matter with the assistance of an ad hoc intergovernmental advisory group. That group met twice during 1994. On the basis of the discussions of the advisory group, and taking into account the deliberations of the subsidiary bodies of the Commission and several international conferences on drug control and related matters, the Executive Director prepared an assessment that was considered by the Commission on Narcotic Drugs at its thirty-eighth and thirty-ninth sessions. In his report, the Executive Director made several recommendations with respect to the functioning of the international drug control treaties, particularly the 1971 Convention. Some of those suggestions are currently being reviewed by parties to that Convention. Provided that there is consensus among the parties to the Convention, the special session of the General Assembly on international drug control, to be held in 1998, may wish to make use of its plenipotentiary powers to adopt amendments to the 1971 Convention.

II. IMPLEMENTATION OF THE GLOBAL PROGRAMME OF ACTION, INCLUDING ACTIVITIES RELATING TO THE UNITED NATIONS DECADE AGAINST DRUG ABUSE

5. The Global Programme of Action on international cooperation against illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances sets out a comprehensive list of measures and activities to be undertaken by States and United Nations entities collectively and simultaneously in the fight against all aspects of drug abuse and illicit traffic.

6. The General Assembly has adopted several resolutions (including resolutions 45/148, 46/102, 47/99, 48/112, 49/168 and 50/148) in which it has reaffirmed the importance of the Global Programme of Action as a framework for national, regional and international action to combat drug abuse and illicit trafficking, and has called upon States to implement the mandates and recommendations contained therein.

7. Paragraph 97 of the Global Programme of Action states that the Commission on Narcotic Drugs and the United Nations drug control bodies should continuously monitor progress on the implementation of the Global Programme of Action and that the Secretary-General should report annually to the General Assembly on all activities relating to the Global Programme of Action, and the efforts of Governments.

8. The annual report of the Secretary-General on the implementation of the Global Programme of Action contains a general overview of approaches and policies developed by States, either individually or in cooperation with other States at bilateral, regional and international levels, and by international organizations. The report further contains concrete examples of programmes and measures implemented at the national level, an evaluation of progress on the implementation of the Global Programme of Action and recommendations on ways and means of improving implementation. Many Member States have indicated that the report gives a careful and balanced account of action taken to implement the Global Programme of Action, and has thus served as a suitable monitoring tool.

United Nations Decade against Drug Abuse

9. In adopting the Global Programme of Action, the General Assembly also proclaimed the period from 1991 to 2000 as the United Nations Decade against Drug Abuse, to be devoted to actions designed to promote the implementation of the Global Programme of Action. Over the years, the Assembly has emphasized the importance of the Decade.

10. A number of programmes and activities that States have undertaken since 1991 with a view to implementing the Global Programme of Action have been designed in the context of the observance of the Decade. Activities reported by Governments to UNDCP include general intensification of action at the national level and through cooperation arrangements, issuance of ministerial statements and sponsorship of special events in connection with the Decade, as well as mobilization of basic community-level forces, including elements in the private sector. In addition, more than 50 States have reported observing the International Day against Drug Abuse and Illicit Trafficking on 26 June of each year.

11. Activities of UNDCP in the framework of the Decade have included, *inter alia*, the launch of the Goodwill Ambassadors Programme, the organization of specific events, the convening of specialized conferences, workshops and expert group meetings such as the World Forum on the Role of NGOs in Drug Demand Reduction, held at Bangkok from 12 to 16 December 1994. Likewise, the Department of Public Information of the Secretariat has carried out a variety of multi-media information programmes, many of which draw attention to the Decade. The Department of Public Information and its global network of information centres and services routinely organize programmes and special events for the International Day against Drug Abuse and Illicit Trafficking.

III. IMPLEMENTATION OF THE UNITED NATIONS SYSTEM-WIDE ACTION PLAN ON DRUG ABUSE CONTROL

12. In its resolution 44/141 of 15 December 1989, the General Assembly requested the Secretary-General, in his capacity as Chairman of the Administrative Committee on Coordination (ACC), to coordinate at the inter-agency level the development of a United Nations system-wide action plan on drug abuse control aimed at the full implementation of all existing mandates and subsequent decisions of intergovernmental bodies throughout the United Nations system. The United Nations System-Wide Action Plan on Drug Abuse

Control[6] was designed as an instrument to facilitate coordination, complementarity and non-duplication in drug control activities within the United Nations system.

13. The System-Wide Action Plan, an action-oriented presentation of the mandates and activities of the organizations and agencies of the United Nations system in the field of drug abuse control, was established in 1990. In 1991, the Economic and Social Council mandated the Commission to review its development and implementation.

14. In its resolution 47/100, the General Assembly expressed concern that there had been limited progress by the agencies of the United Nations system in incorporating in their programmes activities aimed at dealing with drug-related problems. The Assembly therefore requested ACC to update, under the direction of the Executive Director of UNDCP, the System-Wide Action Plan as necessary, *inter alia*, by the addition of an annex containing agency-specific implementing plans and the inclusion of a reference to the important role of the international financial institutions and the ability of such institutions to promote economic stability and undermine the drug industry. It also requested ACC to review and update, as necessary, the System-Wide Action Plan on a biennial basis, taking into account the need to simplify and streamline its presentation.

15. The updated System-Wide Action Plan was submitted to the Commission at its thirty-seventh session, and the agency-specific implementing plans annexed to the Action Plan are reviewed as to their adequacy and content every two years, a review that begins in the Commission. There has been notable progress in developing the Action Plan into an action-oriented planning tool to strengthen system-wide cooperation and coordination, including activities undertaken by the multilateral development institutions, in order to maximize the impact of drug control activities within the system. At its thirty-ninth session, the Commission noted with satisfaction the fully revised methodology used in the 1996 update of the Action Plan, on the basis of decisions taken by ACC in 1995 to ensure more effective system-wide cooperation in drug control.

IV. INTERNATIONAL ACTION AGAINST DRUG ABUSE AND ILLICIT TRAFFICKING

A. Demand reduction

16. The General Assembly has called for increased international action to reduce the illicit demand for drugs, and requested that appropriate attention be given to treatment and rehabilitation in all related activities in its resolutions 46/103 and 49/168.

17. The fundamental importance of reducing the illicit demand for drugs has come to be recognized by all. Demand reduction is now considered to be as important a deterrent to drug abuse as reducing illicit drug crop cultivation and illicit drug manufacture, or combating illicit drug trafficking. Nevertheless, the number of Governments that have mounted comprehensive and sustainable strategies for reducing the illicit demand for drugs remains low. Treatment, rehabilitation and social reintegration of former drug abusers have received even less attention.

18. At the international level, the process of elaborating a declaration on the guiding principles of demand reduction, initiated by the Economic and Social Council in its resolution 1995/16 of 24 July 1995, and welcomed by the General Assembly in its resolution 50/148, is well under way. In addition, UNDCP has funded a range of projects on drug demand reduction in many Member States. Those projects are carried out with the involvement of government agencies, non-governmental organizations and local communities. Furthermore, UNDCP has developed research activities in different fields, and analyses the trends and patterns of drug abuse on the basis of information provided in its annual reports questionnaire and of ad hoc surveys funded UNDCP within the framework of a master-plan exercise or in the preparation of projects.

B. Eradication of illicit crops and alternative development

19. In its resolutions 46/103, 47/102, 48/112, 49/168 and 50/148, the General Assembly called for the implementation of programmes of alternative and sustainable development that have as their objectives the reduction and elimination of illicit drug production. A number of Governments have adopted strategies of rural or alternative development to combat the illicit cultivation of narcotic plants, with varying degrees of success. Those strategies entail the cultivation of economically viable crops, and are usually supported by measures to improve transport and communication infrastructure, social services and activities to develop agricultural marketing opportunities. The high cost of detection and eradication measures in remote areas is, however, a serious obstacle to establishing effective eradication programmes.

20. The role of UNDCP in alternative development has gradually shifted from involvement in fully funded projects towards the provision of support to strengthen the technical capacity of the institutions responsible for implementing national alternative development plans. In future, UNDCP will be more closely engaged in securing the involvement and active commitment of potential bilateral donors, United Nations entities, international financial institutions and regional organizations involved in development work. Emphasis will be placed on the role of UNDCP as advocate, technical partner, coordinator and partial source of funding. The new approach is supported by outposted alternative development advisers based in Asia and Latin America.

C. Strengthening legal and judicial systems

21. In its resolutions 47/97, 47/99, 48/12 and 49/168, the General Assembly called on States to adopt the necessary legislative and administrative measures to ensure that their internal juridical regulations are compatible with the spirit and the scope of the international drug control treaties. Many States have adopted adequate national laws and regulations and strengthened national judicial systems accordingly. The laws and regulations implemented by States are reported to the Secretary-General and published by UNDCP for the benefit of all States. From 1990 to date, 409 laws and regulations have been published and distributed.

22. In connection with such activities, the Programme provides comprehensive legal assistance to many States. Assistance has included advice on adjusting national laws, policies and infrastructures to implement the requirements and objectives of all the international drug control conventions, particularly the 1988 Convention, as well as training judges, prosecutors and investigators to apply the new laws effectively. In that connection, *ad hoc* missions to provide legal assistance were carried out in 69 States between July 1992 and the end of 1996. The work has been underpinned by a programme of regional legal workshops initiated by UNDCP to assist States in identifying limitations in their legal capacity to implement the conventions fully, and in developing appropriate measures and arrangements to overcome such limitations. The workshops are also intended to encourage participating States to increase their domestic and regional capacity to implement the conventions effectively, and to establish or improve the legal basis for day-to-day cooperation. To date, 102 States have participated in such workshops.

23. In addition, UNDCP has developed model legislation to promote more uniform implementation of the international drug control treaties and to facilitate international cooperation. A package of model laws on the regulation of licit activities, the repression of illicit activities, extradition and mutual legal assistance, money-laundering and confiscation of proceeds, as well as on the creation of required drug control bodies and coordination mechanisms, is available in Arabic, English, French, Portuguese, Russian and Spanish, for use in the main legal systems. Model laws are updated and upgraded periodically, in line with significant trends and developments, and are reviewed by informal meetings of international experts. UNDCP also provides, on request, assistance to Member States in establishing or strengthening national drug detection laboratories.

D. Economic and social consequences of drug abuse and illicit trafficking

24. The economic and social consequences of illicit drug trafficking were initially addressed by the General Assembly in its resolution 44/142 of 15 December 1989, in which it requested the Secretary-General to undertake a study on such consequences, with the assistance of a group of intergovernmental experts. The Intergovernmental Expert Group to Study the Economic and Social Consequences of Illicit Traffic in Drugs met twice during 1990, and the Commission at its thirty-fourth and thirty-fifth sessions, in 1991 and 1992, examined the work of the Expert Group.

25. The report of the Intergovernmental Expert Group (A/C.3/45/8) was devoted largely to consideration of the availability of reliable data as a basis for estimating the economic and social consequences of drug trafficking, and to the problem of money-laundering. The Expert Group unanimously agreed that it was imperative for the United Nations to develop a comprehensive, unified information system, which would include reliable data on the illicit drug-trafficking chain. In his comments on the recommendations of the Expert Group, the Executive Director expressed the view that the Expert Group had underestimated the complexity and difficulty of the task envisaged. He stressed that efforts even at the national level to institute similar systems had not met with encouraging success on such a broad set of data. The Commission concurred with the Executive Director that the problems related to data collection were extremely complex, and would not be easy to solve.

26. Efforts have been made by UNDCP to explore the issue further. Work with a major research institution in the United States focused on the identification of areas of UNDCP activity where the collection, analysis and dissemination of drug-related data could be improved. For the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995, UNDCP presented a discussion paper on drugs and development and a multi-agency examination of the social and economic impact of drug abuse and control.

27. In addition to the activities outlined above, and in accordance with a specific recommendation of the General Assembly contained in its resolution 48/112, the Commission at its thirty-eighth session considered the issue of the economic and social consequences of drug abuse and illicit traffic in the context of its general debate. It had before it a comprehensive study that outlined the damage done to society and the costs incurred as a result of drug abuse and illicit trafficking. The Commission invited countries to carry out national studies on the economic and social consequences of drug abuse and illicit trafficking.

E. Links between drug trafficking and terrorism

28. The General Assembly has, in its resolutions 46/103, 48/12, 48/112, 49/168 and 50/148, encouraged Governments to deal with the danger and threat posed to civil society by drug trafficking and its links to terrorism, transnational crime, money-laundering and the illicit trade in arms, and to cooperate to prevent the channelling of funds to and between those engaged in such activities. The Assembly has encouraged Governments to take action to prevent the illicit arms trade, by which weapons are provided to drug traffickers, or to prevent terrorists from engaging in drug trafficking for financial gain. It has also emphasized the need to strengthen international cooperation to eradicate the growing and dangerous links between terrorist groups, drug traffickers and their paramilitary gangs, which have resorted to all types of violence, thus endangering the constitutional order of States and violating basic human rights.

29. Strict legislative measures that control the import and export of weapons and explosives with a view to preventing their diversion into illicit markets are in place in some countries, as are programmes for the prevention, detection and control of trafficking in arms. There are regional arrangements on the issue, such as the Council of the European Communities directive 91/477/EEC, of 18 June 1991, on control of the acquisition and possession of weapons,[7] which has to be applied by all member States of the European Communities.

F. Respect for the principles enshrined in the Charter of the United Nations

30. The respect for principles enshrined in the Charter of the United Nations has been a recurring theme of resolutions adopted by the General Assembly on international drug control issues, in particular resolutions 45/147, 46/101, 47/98, 48/112, 49/168 and 50/148. In those resolutions, the Assembly refers to the principles of sovereignty and territorial integrity of States, non-interference in internal affairs of States and non-use of force or threat of force in international relations. The Assembly also refers to the principles of equal rights and self-determination of peoples and to the right of all peoples freely to determine, without external interference, their political status and to pursue their economic, social and cultural development. The Assembly calls upon States to refrain from using the drug issue for "political purposes", and affirms that the fight against drug trafficking should not justify violation of the principles enshrined in the Charter and international law. The Secretary-General and the Executive Director of UNDCP have been requested to give due consideration to those principles in preparing reports to the General Assembly and in carrying out the activities of UNDCP, respectively.

31. The legal framework for international cooperation in drug control has been set by the international community through the adoption of the main drug control treaties, which incorporate explicit guarantees of the above-mentioned principles. The 1988 Convention, for example, provides that parties shall carry out their obligations under that Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States (article 2, paragraph 2). It also provides that a party shall not undertake in the territory of another party the exercise of jurisdiction and performance of functions which are exclusively reserved for the authorities of that other party by its domestic law (article 2, paragraph 3). Their provisions reflect the sovereign agreement of States parties on the appropriate balance between due respect for their sovereignty - protected under each treaty by reservations relating to the constitutional, legal and administrative systems of States parties - and the requirements of international cooperation in the field of drug control. Likewise, the General Assembly, in the Political Declaration adopted at its seventeenth special session[5] recalls the guiding principles of the United Nations fight against drugs: sovereignty of States; shared responsibility between them; non-interference in their internal affairs; and strengthening of cooperation under mutually agreed conditions through bilateral and multilateral mechanisms.

32. The respect for the principles of the Charter and international law is also a basic objective underlying all activities of UNDCP and its dealings with States. UNDCP undertakes activities in countries only at their request. Technical assistance in the form of legal advice offered to States to upgrade their drug control legislation in line with the conventions not only reflects the principles of the Charter and of international law, but also strengthens their implementation in national laws.

V. ESTABLISHMENT, MANAGEMENT AND ACTIVITIES OF THE UNITED NATIONS INTERNATIONAL DRUG CONTROL PROGRAMME

A. Establishment and management of the United Nations International Drug Control Programme

33. By its resolution 45/179, the General Assembly, recognizing that the new dimensions of the drug menace necessitated a more comprehensive and integrated approach to international drug control to enable the United Nations to play a central and greatly enhanced role in this field, requested the Secretary-General to create a single drug control programme, to be called the United Nations International Drug Control Programme, and to integrate fully therein the structures and functions of the three drug control units of the Secretariat with the objective of enhancing the effectiveness and efficiency of the United Nations structure for drug abuse control. In the same resolution, the Assembly invited the Secretary-General to appoint a senior official at the level of Under-Secretary-General to execute the integration process and head the new Programme with the

exclusive responsibility for coordinating and providing effective leadership for all United Nations drug control activities, in order to ensure coherence of action within the Programme as well as coordination, complementarity of action and non-duplication of such activities across the United Nations system.

34. The Executive Director of UNDCP was appointed on 1 March 1991 to execute the integration process and to act on behalf of the Secretary-General in fulfilling his responsibilities under the terms of international drug control treaties and resolutions of the United Nations organs related to drug control. The Executive Director was also entrusted with the direct responsibility for the financial resources of the Fund of the United Nations International Drug Control Programme, as a fund for financing the operational activities of UNDCP.

B. Administrative and financial arrangements for the Fund of the United Nations International Drug Control Programme

35. The General Assembly, by its resolution 46/185 C, laid down the administrative and financial arrangements for UNDCP. By the same resolution, the Assembly decided, *inter alia*, to establish, under the direct authority of the Executive Director, the Fund of UNDCP as a fund for financing the operational activities of UNDCP, and authorized the Commission on Narcotic Drugs to approve, on the basis of the proposals of the Executive Director, both the budget of the programme of the Fund and the administrative and programme support cost budget, other than expenditures borne by the regular budget of the United Nations. The Secretary-General later delegated to the Executive Director the responsibility for administering the Staff Regulations and Staff Rules in respect of staff paid from the Fund.

C. Drug control strategies, particularly master plans

36. The General Assembly has, in several resolutions (including resolutions 46/103, 47/102, 48/112, 49/168 and 50/148), supported the focus on national and regional strategies for drug abuse control, particularly the master-plan approach, and has requested UNDCP to keep in mind that national, regional and subregional strategies should be complemented by effective interregional strategies.

37. The promotion of national drug control plans (also called master plans) has been a long-standing priority of UNDCP. A master plan is a single document adopted by a Government outlining all national concerns in drug control. It is a tool designed to assess the extent and nature of the drug abuse problem, to set out a coordinated approach to its solution, and to identify consistent and comprehensive national drug control objectives. During 1995, 23 master-plan exercises were completed by national authorities and 16 more were initiated. Twelve master plans are being considered for the future. Of the 39 master plans initiated or completed during 1995, UNDCP assisted 28 countries (or 72 per cent of the total) in the exercise. In line with the recommendation of the General Assembly, UNDCP has also encouraged the extension of the master-plan concept through a subregional approach, wherever appropriate.

Notes

[1] *Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5).

[2] United Nations, *Treaty Series*, vol. 520, No. 7515.

[3] Ibid., vol. 976, No. 14152.

[4] Ibid., vol. 1019, No. 14956.

[5] See resolution S-17/2, annex.

[6] E/1990/39 and Corr.1 and 2 and Add.1.

[7] *Official Journal of the European Communities*, No. L 256/51, 13 September 1991.